



# Notice of Designation of Civilian Board of Contract Appeals (CBCA)

A Mandatory Reference for ADS Chapter 302

Revision Date: 01/19/2007  
Responsible Office: M/OAA/P  
File Name: 302maj\_011907\_cd47

## **Notice of Designation of Civilian Board of Contract Appeals (CBCA)**

To all USAID Contracting Staff,

Effective January 6, 2007, the newly established Civilian Board of Contract Appeals (CBCA) will be USAID's board for hearing and deciding appeals to contracting officer decisions. Information about the new CBCA was published in the Federal Register on Thursday, November 9, 2006 (see attached). The Chair of the CBCA has separately notified me of this upcoming change.

AIDAR 733.270-1 currently designates the Armed Services Board of Contract Appeals (ASBCA) as USAID's board, and we will amend this to change the designation to the CBCA in the near future. In the meantime, if you issue a contracting officer decision on a claim, you must alert the contractor that any appeals to your decision made after January 6, 2007, should be sent to the CBCA. See FAR 33.211, "Contracting officer's decision," for more information on the procedures and content of the CO decision. You must also consult the Assistant General Counsel for Litigation and Enforcement (GC/LE) before issuing a CO decision.

Include the CBCA's mailing address in the decision. The address is:

Civilian Board of Contract Appeals  
1800 F Street, N.W.  
Washington, DC 20405

The CBCA's website will be [www.cbca.gsa.gov](http://www.cbca.gsa.gov) (this is not a live link as of this e-mail).

All cases involving USAID that have been docketed by the ASBCA, and all cases involving USAID that will be docketed by the ASBCA between now and January 6, will remain with the ASBCA.

If you are currently administering any contracts that specifically name the ASBCA as USAID's board, you should modify the contract accordingly at your earliest convenience, with the modification effective January 6, 2007. No FAR or AIDAR clauses are affected by this change.

We will post this message on the OAA intranet site "News You Can Use" & add a link to it in the on-line AIDAR section 733.270-1, pending formally amending the AIDAR. If you have any questions, please contact Diane Howard or Ann Cataldo in M/OAA/P, or Bill Buckhold, Warren Leishman, or John Alumbaugh, GC/LE.

Maureen A. Shauket  
Deputy Director, Operations, O/AA  
December 21, 2006

[Federal Register: November 9, 2006 (Volume 71, Number 217)]  
[Notices]  
[Page 65825-65826]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr09no06-110]

=====

GENERAL SERVICES ADMINISTRATION  
[BCA 2006-N01]

Board of Contract Appeals; The Establishment of The Civilian  
Board of Contract Appeals and the Termination of The Boards of Contract  
Appeals of the General Services Administration and the Departments of  
Agriculture, Energy, Housing and Urban Development, Interior, Labor,  
Transportation, and Veterans Affairs

AGENCY: General Services Administration (GSA), Board of Contract  
Appeals.

ACTION: Notice.

-----

SUMMARY: In section 847 of the National Defense Authorization Act for  
Fiscal Year 2006, Pub. L. No. 109-163, Congress established the  
Civilian Board of Contract Appeals (CBCA) within GSA to hear and decide  
contract disputes involving executive agencies (other than the  
Department of Defense, the Department of the Army, the Department of  
the Navy, the Department of the Air Force, the National Aeronautics and  
Space Administration, the United States Postal Service, the Postal Rate  
Commission, and the Tennessee Valley Authority) under the provisions of  
the Contract Disputes Act of 1978 and regulations and rules issued  
there under. Boards of contract appeals currently exist at the General  
Services Administration and the departments of Agriculture, Energy,  
Housing and Urban Development, Interior, Labor, Transportation, and  
Veterans Affairs. Effective January 6, 2007, all of those boards in  
existence on that date will terminate, and their cases, Board judges,  
and other personnel will transfer to the new Civilian Board.

SUPPLEMENTARY INFORMATION: The legislation establishing the Civilian  
Board provides that the CBCA will have jurisdiction to decide contract  
appeals from any executive agency (other than the Department of  
Defense, the Department of the Army, the Department of the Navy, the  
Department of the Air Force, the National Aeronautics and Space  
Administration, the United States Postal Service, the Postal Rate  
Commission, and the

[[Page 65826]]

Tennessee Valley Authority). Cases currently before a board of contract  
appeals affected by the legislation will be transferred to the Civilian  
Board on January 6, 2007, and reassigned CBCA docket numbers. Agency  
acquisition personnel should review agency regulations, contract  
provisions, and language in contracting officer decision letters that  
may refer contractors to one of the affected boards of contract appeals  
for dispute resolution, including alternative dispute resolution, and  
modify those provisions accordingly.

The Civilian Board will also conduct other proceedings as required

or permitted under statutes or regulations. Such other proceedings include the resolution of disputes involving grants and contracts under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 et seq. Because jurisdiction over these disputes is vested by statute, 25 U.S.C. 450m-1(d), in the Department of the Interior Board of Contract Appeals, section 847(e) of the National Defense Authorization Act for Fiscal Year 2006 reassigns that jurisdiction to the Civilian Board of Contract Appeals.

Such other proceedings also include the resolution of disputes between insurance companies and the Department of Agriculture's Risk Management Agency (RMA) involving actions of the Federal Crop Insurance Corporation (FCIC) pursuant to the Federal Crop Insurance Act, 7 U.S.C. 1501 et seq. These disputes were formerly resolved by the Department of Agriculture Board of Contract Appeals, and it is anticipated that this authority will be transferred to the Civilian Board of Contract Appeals under an agreement with the Secretary of Agriculture, as permitted under section 42(c)(2) of the Office of Federal Procurement Policy Act, 41 U.S.C. 438(c)(2).

In addition, other proceedings that the Civilian Board will conduct include several types of cases heard by the General Services Board of Contract Appeals by delegation from the Administrator of General Services. It is anticipated that, effective January 6, 2007, the Administrator of General Services will redelegate those cases to the Civilian Board of Contract Appeals. Those cases include the following:

- Pursuant to 31 U.S.C. 3726(i)(1), requests by carriers or freight forwarders to review actions taken by the Audit Division of the General Services Administration's Office of Transportation and Property Management.

- Pursuant to 31 U.S.C. 3702, claims by Federal civilian employees against the United States for reimbursement of (1) expenses incurred while on official temporary duty travel and (2) expenses incurred in connection with relocation to a new duty station.

- Pursuant to section 204 of the General Accounting Office Act of 1996, Pub. L. 104-316, requests of agency disbursing or certifying officials, or agency heads, on questions involving payment of travel or relocation expenses that were formerly considered by the Comptroller General under 31 U.S.C. 3529.

The offices of the Civilian Board of Contract Appeals will be located at 1800 M Street, NW, 6th Floor, Washington, DC 20036. The mailing address of the Civilian Board will be 1800 F Street, NW, Washington, DC 20405. The phone number of the Office of the Clerk of the Board will be (202) 606-8800; the facsimile number will be (202) 606-0019. The internet address of the Civilian Board's Web site will be <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.cbca.gsa.gov>.

FOR FURTHER INFORMATION CONTACT Margaret S. Pfunder, Chief Counsel, GSA Board of Contract Appeals, telephone (202) 501-0272, internet address [margaret.pfunder@gsa.gov](mailto:margaret.pfunder@gsa.gov).

Dated: November 2, 2006.  
Stephen M. Daniels,  
Chairman, Board of Contract Appeals, General Services Administration.  
[FR Doc. E6-18982 Filed 11-8-06; 8:45 am]  
BILLING CODE 6820-AL-S